

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICARDO CASTILLO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

UNITED RENTALS (NORTH AMERICA),
INC.,

Defendant.

No. 2:17-cv-01573 JLR

JOINT STIPULATION TO
MODIFY CASE MANAGEMENT
ORDER

Plaintiff Ricardo Castillo ("Plaintiff") and Defendant United Rentals ("Defendant") (Plaintiff and Defendant are collectively referred to as the "Parties"), through their respective counsel, hereby stipulate as follows:

WHEREAS, Plaintiff filed this class and collective action on October 23, 2017, alleging claims under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.* ("FLSA") and Washington state law;

WHEREAS, Defendant filed a motion to dismiss Plaintiff's Complaint on December 20, 2017;

JOINT STIPULATION TO MODIFY CASE
MANAGEMENT ORDER (Cause No. 2:17-cv-01573 JLR)

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1 WHEREAS, on January 29, 2018, the Court issued a case management order providing
2 the following case management dates:

- 3 • Plaintiff's Motion for Conditional Certification – April 23, 2018;
- 4 • Discovery cutoff for class certification and decertification – July 20, 2018;
- 5 • Plaintiff's motion for class certification – August 17, 2018;
- 6 • Defendant's opposition to Plaintiff's motion for class certification, as well as
7 Defendant's motion for decertification of a conditionally certified collective – September
8 17, 2018;
- 9 • Plaintiff's reply in support of class certification, as well as Plaintiff's opposition
10 to decertification – October 8, 2018; and
- 11 • Defendant's reply in support of decertification – October 22, 2018.

12 WHEREAS, on March 19, 2018, this Court granted in part, and denied in part,
13 Defendant's motion to dismiss Plaintiff's Complaint, and dismissed Plaintiff's claims for
14 minimum wage and overtime violations under Washington law and the Fair Labor Standards Act
15 ("FLSA"), and Plaintiff's claims under the Washington Consumer Protection Act;

16 WHEREAS, Plaintiff's amended complaint is due on April 3, 2018;

17 WHEREAS, the parties are actively conducting discovery, and are in the process of
18 meeting and conferring over the adequacy of discovery responses, the scheduling of depositions,
19 as well as the scope of topics for a Rule 30(b)(6) deposition of Defendant's corporate designee;

20 WHEREAS, until the amended complaint is filed, Defendant is not in a position to know
21 whether it will seek dismissal of any portion of Plaintiff's first amended complaint, including
22 potential claims under the FLSA;

23 WHEREAS, given the uncertainty of the pleadings, the status of Plaintiff's potential
24 claims under the FLSA, as well as the Parties' ongoing efforts to informally resolve outstanding
25 discovery disputes, the Parties agree that the January 29, 2018 case management dates should be
26 modified;

WHEREAS, due to the uncertainty over the pleadings, the Parties will be in a better position to propose new case management dates once Plaintiff files his first amended complaint;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the Parties that:

1. The January 29, 2018 Case Management Order be vacated;
2. On or before April 13, 2018 (ten days after Plaintiff's first amended complaint is due), the parties will propose new case management dates regarding discovery, conditional certification, class certification, and decertification.

Respectfully submitted this 23rd day of March, 2018.

TERRELL MARSHALL LAW GROUP PLLC DAVIS WRIGHT TREMAINE LLP

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Jennifer A. Perez, declare the following:

I am over the age of eighteen years and not a party to the within entitled action. I am employed at Schneider Wallace Cottrell Konecky Wotkyns LLP, located at 2000 Powell Street, Suite 1400, Emeryville, California 94608.

On March 23, 2018, I served the following document(s):

• **JOINT STIPULATION TO MODIFY CASE MANAGEMENT ORDER**

on the following interested party(ies):

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☒ **BY U.S. MAIL:** I placed a true copy(s) thereof enclosed in a sealed envelope(s) with the postage thereon fully prepaid at the address(s) set forth above and deposited such envelope(s) in the mail at Emeryville, California. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service open that same day at Emeryville, California. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **BY ELECTRONIC SERVICE** by electronically mailing a true and correct copy in PDF format through SWCKW's electronic mail system to the email address(es) set forth above.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. Executed on March 23, 2018 at Emeryville, California.

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4 /s/ Jennifer A. Perez
Jennifer A. Perez
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THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICARDO CASTILLO, on behalf of himself and
all others similarly situated,

Plaintiff,

vs.

UNITED RENTALS (NORTH AMERICA),
INC.,

Defendant.

Case No.: 2:17-cv-01573-JLR

~~PROPOSED~~ ORDER APPROVING
JOINT STIPULATION TO MODIFY CASE
MANAGEMENT ORDER

~~PROPOSED~~ ORDER APPROVING JOINT
STIPULATION TO MODIFY CASE MANAGEMENT ORDER
(No.: 2:17-cv-01573-JLR)

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1 Before the Court are Plaintiff Ricardo Castillo ("Plaintiff") and Defendant United Rentals'
2 ("Defendant") (Plaintiff and Defendant are collectively referred to as the "Parties") request to
3 vacate and modify the Case Management Order, entered on January 29, 2018. Having reviewed
4 the Parties' request and with good cause appearing, the Court hereby approves the Parties' Joint
5 Stipulation to Modify the Case Management Order. IT IS HEREBY GRANTED that:

- 6 1. The January 29, 2018 Case Management Order is vacated.
- 7 2. On or before April 13, 2018 (ten days after Plaintiff's first amended complaint is due),
8 the parties will propose new case management dates regarding discovery, conditional certification,
9 class certification, and decertification.

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11 Dated this 26th day of March, 2018.

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13 
14 JAMES L. ROBART
United States District Judge